

EXHIBIT D



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NY 10007-1866

DEC 13 2007

JAN 09 2008

Dianne Philipps
Executive Director
~~Rockland County S.D. #1~~
#4 Route 340
Orangeburg, New York 10962

M C

Re: SSO Compliance Evaluation Inspection
SPDES No. 0031895

Dear Ms. Philipps:

As part of a joint effort between the United States Environmental Protection Agency (EPA) and the New York State Department of Environmental Conservation (NYSDEC) to ensure compliance with your State Pollutant Discharge Elimination System Permit (SPDES) we conducted a Sanitary Sewer Overflow (SSO) Compliance Evaluation Inspection (CEI) of your facilities on December 4, 2007.

On May 10, 2006, the County entered into an administrative Order on Consent with the New York State Department of Environmental Conservation (NYSDEC) to address its SSO discharges. To date, the County has complied with the Order's dates concerning the submission of a dry weather SSO Report and a wet weather SSO abatement engineering Report. However, as of the date of the SSO CEI, both of these reports have not yet been approved by the NYSDEC. The County must ensure that its Reports are sufficient to receive NYSDEC approval.

Please note that overall compliance with your SPDES permit will continue to be reviewed by NYSDEC and any questions or issues related to your compliance should be addressed directly to NYSDEC. Any questions or information related to this inspection should be directed to EPA along with a copy to NYSDEC.

I am enclosing a copy of our inspection results for your files. If you have any questions concerning our inspection, please feel free to contact me or Mr. Larry Gaugler at (212) 637-3950 or email Mr. Gaugler at gaugler.larry@epa.gov. Additionally, further guidance and information concerning the control of SSOS may be found by accessing the following EPA web site:
http://cfpub.epa.gov/npdes/home.cfm?program_id=4.

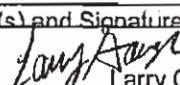
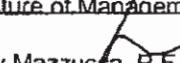
Sincerely yours,



Henry Mazzucca, P.E., Chief
Compliance Section
Water Compliance Branch

Enclosure

cc: Tom Rudolph, NYSDEC Region 3
Joe Dimura, NYSDEC
Alan Fuchs, NYSDEC

	United States Environmental Protection Agency Washington, D.C. 20460 Water Compliance Inspection Report	Form Approved. OMB No. 2040-0057 Approval expires 8-31-98			
Section A: National Data System Coding (i.e., PCS)					
Transaction Code	NPDES	y/m/day	Inspection Type	Inspector	Fac Type
1 N 125	3 N Y 0 0 3 1 8 9 5 11	12 0 7 1 2 0 4 17	18 &	19 R	20 1
Remarks					
2 _____ 66					
Inspection Work Days	Facility Self-Monitoring Evaluation Rating.	B1	QA	Reserved	
6 _____ 69	70 _____	71 _____	72 _____	73 _____	74 _____
80					
Section B: Facility Data					
Name and Location of Facility Inspected (for industrial users discharging to POTW, also include POTW name and NPDES permit number)			Entry Time/Date	Permit Effective Date	
Rockland County S.D. #1 #4 Route 340 Orangeburg, New York 10962			10:00 AM / 12/4/07	12/1/03	
			Exit Time/Date	Permit Expiration Date	
			1:00 PM / 12/4/07	12/1/08	
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s)			Other Facility Data		
Dianne Philippss Executive Director (845) 365-6094					
Name, Address of Responsible Official/Title/Phone and Fax Number(s)					
Dianne Philippss Executive Director (845) 365-6094			Contacted		
<input checked="" type="checkbox"/> Yes		<input type="checkbox"/> No			
Section C: Areas Evaluated During Inspection (Check only those areas evaluated)					
<input checked="" type="checkbox"/>	Permit	<input checked="" type="checkbox"/>	Flow Measurement	<input checked="" type="checkbox"/>	Operations & Maintenance
<input checked="" type="checkbox"/>	Records/Reports	<input checked="" type="checkbox"/>	Self-Monitoring Program	<input checked="" type="checkbox"/>	Sludge Handling/Disposal
<input type="checkbox"/>	Facility Site Review	<input type="checkbox"/>	Compliance Schedules	<input type="checkbox"/>	Pretreatment
<input type="checkbox"/>	Effluent/Receiving Water	<input type="checkbox"/>	Laboratory	<input type="checkbox"/>	Storm Water
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	Other:
Section D: Summary of Findings/Comments (Attach additional sheets of narrative and checklists as necessary)					
<p>On May 10, 2006, the County entered into an administrative Order on Consent with the New York State Department of Environmental Conservation (NYSDEC) to address its SSO discharges. To date, the County has complied with the Order's dates concerning the submission of a dry weather SSO Report and a wet weather SSO abatement engineering Report. However, as of the date of the SSO CEI, both of these reports have not yet been approved by the NYSDEC. The County must ensure that its Reports are sufficient to receive NYSDEC approval.</p>					
Name(s) and Signature(s) of Inspector(s)		Agency/Office/Phone and Fax Numbers		Date	
 Larry Gaugler, P.E.		EPA/WCB/(212) 637-3950/FAX: 637-3953		12/10/07	
Signature of Management O/A Reviewer		Agency/Office/Phone and Fax Numbers		Date	
 Henry Mazzucco, P.E., Chief, Compliance Section		EPA/DECA-WCB/(212) 637-4229/FAX:x4211		12/10/07	

SSO Compliance Evaluation Inspection

Name of SSO Permittee: Rockland County Sewer District #1

SPDES No.: NY0031895

Date of Inspection: December 4, 2007

I. Background

- a) The Rockland County Sewer District (S.D.) #1 SPDES permit has an effective date of 12/1/03 and an expiration date of 12/1/08.
- b) The Rockland County S.D. #1 wastewater treatment plant (WWTP) treats flows from the Town of Ramapo and the Town of Clarkstown.
- c) The County WWTP is designed for 28.9 MGD. Current average flows are approximately 20 MGD. Peak flows typically reach 35 MGD during 3" rain events. The WWTP has experienced peak flows of 80 MGD during hurricanes. The WWTP is not designed with an internal bypass. All flows that reach the WWTP are routed through the entire WWTP.
- d) The County WWTP and main interceptor system (approximately 130 miles) is 39 years old. The County system includes 22 pump stations. The Towns own their own collection systems (approximately 585 miles). The entire system is approximately 23 square miles in size.
- e) Since 1988, the County has implemented a sewer caulking/resealing/permanent grouting program.
- f) There are approximately 18,000 manholes in the County.
- g) The County implements a separate MS4 program. Certain areas of the County system are not served by a dedicated storm sewer system.
- h) In accordance with the general conditions of its SPDES permit, the County is required to report SSO discharges as instances of non-compliance to the NYSDEC. Oral notification must be provided within 24 hours and a written report must be submitted to the NYSDEC within 5 days of the instance of non-compliance.
- i) In November 2006, the County experienced an overflow as the result of an act of vandalism. A manhole was opened and bricks were dumped into the manhole, causing a blockage. The County has installed a locking manhole cover at this location.

II. SSO Order on Consent

In order to address instances of non-compliance, typically overflows from County manholes, the County and the NYSDEC entered into an Administrative Order on Consent on 5/10/06. The following assesses the County's compliance with this Order:

- a) The County is to continue to report SSOs as instances of non-compliance to the NYSDEC. The County stated that it does this and provided a representative non-compliance report dated 11/21/07, related to a non-compliance event at manhole No. 20,117.
- b) By December 29, 2006, the County was to submit an approvable dry weather SSO abatement report to the NYSDEC. Dry weather SSOs are instances of non-compliance caused by blockages, malfunctions and vandalism. The County reported that it submitted this Report on time to the NYSDEC, that there have been comments sent back and forth between the County and the NYSDEC, but that the Report has not been formally approved by the NYSDEC.
- c) By July 2, 2007, the County was to submit an approvable wet weather SSO abatement engineering Report to the NYSDEC. The County reported that it submitted this Report on time to the NYSDEC, that the County met with the NYSDEC in November to discuss the Report and that the County needs to address certain comments provided by the NYSDEC. Therefore, as of the date of this SSO CEI, the Report has not been formally approved by the NYSDEC.
- d) A key component of the wet weather SSO abatement report will be smoke testing of the entire collection system to identify sources of inflow and infiltration. The current County sewer use ordinance prohibits the introduction of sources of storm water into the separate sanitary sewer system. The County will first rely on voluntary compliance by residents to remove found sources of infiltration and inflow.

III. Overall Compliance Assessment

On May 10, 2006, the County entered into an administrative Order on Consent with the New York State Department of Environmental Conservation (NYSDEC) to address its SSO discharges. To date, the County has complied with the Order's dates concerning the submission of a dry weather SSO Report and a wet weather SSO abatement engineering Report. However, as of the date of the SSO CEI, both of these reports have not yet been approved by the NYSDEC. The County must ensure that its Reports are sufficient to receive NYSDEC approval.

IV. Field Work

The following two collection sites were visited:

- a) Manhole No. 10,019: located in the Town of Ramapo; this location is the site of two citizen suits; previously, two different force mains joined at this manhole; the County has diverted one of these force mains around the manhole, providing new manholes for the diverted force main; the force mains now join downstream of this manhole.
- b) Manhole No. 12,284: not an SSO location; manhole is located in a low lying area and has been identified as being a source of inflow; manhole has been raised to eliminate this inflow.

V. Additional Information

- a) Select pages of current SPDES permit (4 pages)
- b) Copy of SSO Order on Consent (12 pages)
- c) List of SSO events in 3/07 and 4/07 (2 pages)
- d) Copy of November 21, 2007 non-compliance report
- e) Pictures from field work (3 pages)

VI. Contacts

Name	Organization	Phone Number
Larry Gaugler, Environmental Engineer	USEPA	(212) 637-3950
Manju Cherian	NYSDEC Region 3	
Dianne Philipps, Executive Director	Rockland County S.D. #1	(845) 365-6094
Jules Graifman, Chairman	Rockland County S.D. #1	(845) 365-6111
Martin Dolphin, Engineer III	Rockland County S.D. #1	(845) 365-6094
Christopher St. Lawrence, Supervisor	Town of Ramapo	(845) 357-5100
Robert Butterworth, Vice President, Wastewater Engineering	Stearns & Wheler	(315) 655-8161

05 (5/97)

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 State Pollutant Discharge Elimination System (SPDES)
NOTICE / RENEWAL APPLICATION / PERMIT



read ALL instructions on the back before completing this application form. Please TYPE or PRINT clearly in ink.

PART 1 - NOTICE

02/18/2003

Permittee Contact Name, Title, Address

Facility and SPDES Permit Information

ROCKLAND COUNTY SEWER DIST #1
 RALD C DELO
 ROUTE 340
 KINGEBURG NY 10962

Name: ROCKLAND CO SD #1 STP
 Ind. Code: 4952 County: ROCKLAND
 DEC No.: 3-3924-00052/00005
 SPDES No.: NY 003 1895
 Expiration Date: 12/01/2003
 Application Due By: 06/04/2003

Are these name(s) & address(es) correct? If not, please write corrections above.

The State Pollutant Discharge Elimination System Permit for the facility referenced above expires on the date indicated. I am required by law to file a complete renewal application at least 180 days prior to expiration of your current permit. Use the "Application Due By" date above.

NOTICE: This short application form and attached questionnaire are the only forms acceptable for permit renewal. Sign Part 1 below and mail only this form and the completed questionnaire using the enclosed envelope. Effective April 1, 1994 the department no longer assesses SPDES application fees.

If there are changes to your discharge, or to operations affecting the discharge, then in addition to this renewal application, you must also submit a separate permit modification application to the Regional Permit Administrator for the DEC region in which the facility is located, as required by your current permit. See the reverse side of this page for instructions on a modification request.

PART 2 - RENEWAL APPLICATION

AFFIRMATION: I hereby affirm that under penalty of perjury that the information provided on this form and all attachments submitted herewith is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Ronald C. DeLo

Name of person signing application (see instructions on back)

Ronald C. DeLo

Signature

Executive Director

Title

2/26/03

Date

RECEIVED
ENVIRONMENTAL
PERMIT
NY
SPDES
PERMIT
02/26/03

PART 3 - PERMIT (Below this line - Official Use Only)

Effective Date: 12/01/03 Expiration Date: 12/01/08

William R. Adriance

Permit Administrator

William R. Adriance

Signature

NYSDEC - Division of Environmental Permits
 Bureau of Environmental Analysis

625 Broadway, Albany, NY 12233-1750

04/11/03

Date

This permit together with the previous valid permit for this facility issued 07/09/98 and subsequent modifications constitute authorization to discharge wastewater in accordance with all terms, conditions and limitations specified in the previously issued valid permit, modifications thereto or issued as part of this permit, including any special or general conditions referred hereto. Nothing in this permit shall be deemed to waive the Department's authority to initiate a modification of this permit on the grounds specified in 6NYCRR §621.14, 6NYCRR §754.4 or 6NYCRR §757.1 existing at the time this permit is issued or which arise thereafter.

Comments: General Conditions dated 11/19/02



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
State Pollutant Discharge Elimination System (SPDES)
DISCHARGE PERMIT
Special Conditions (Part I)

Industrial Code: 4952
Discharge Class (CL): 05
Toxic Class (TX): T
Major Drainage Basin: 13
Sub Drainage Basin: 01
Water Index Number: HR
Compact Area: ISC

SPDES Number: NY - 0031895
DEC Number: 3-3924-00052/00005
Effective Date (EDP): 1/1/99
Expiration Date (ExDP): 12/01/03
Modification Date(s): 1/1/99
Attachment(s): General Conditions (Part II) Date: 11/90

This SPDES permit is issued in compliance with Title 8 of Article 17 of the Environmental Conservation Law of New York State and in compliance with the Clean Water Act as amended, (33 U.S.C. Section 1251 et. seq.) (hereafter referred to as "the Act").

PERMITTEE NAME AND ADDRESS

Attention: Ronald Delo, P.E., Exec. Dir.

Name: Rockland County Sewer District #1
Street: No. 4 Route 340
City: Orangeburg State: NY Zip Code: 10962

is authorized to discharge from the facility described below:

FACILITY NAME AND ADDRESS

Name: Rockland County Sewer District #1 STP
Location (C,T,V): Orangetown (T) County: Rockland
Facility Address: No. 4 Route 340
City: Orangeburg State: NY Zip Code: 10962
NYTM - E: NYTM - N: 4
From Outfall No.: 001 at Latitude: 41° 02' 31" & Longitude: 73° 56' 25"
into receiving waters known as: Hudson River Class: SB

and; (list other Outfalls, Receiving Waters & Water Classifications)

001A Emergency By-Pass to the Hudson River (Cl. SB) $41^{\circ}02'30"/73^{\circ}54'15"$
Use of this outfall is prohibited without prior written approval from NYSDEC.
Outfall 001A shall be isolated from main outfall (001) by a "bolted" in place
steel plate to prevent accidental or unauthorized use. Utilization of outfall
001A will only be considered for use by DEC upon receipt of a written request
from the permittee to facilitate repairs to the main outfall 001
in accordance with the effluent limitations, monitoring requirements and other conditions set forth in Special Conditions
(Part I) and General Conditions (Part II) of this permit.

DISCHARGE MONITORING REPORT (DMR) MAILING ADDRESS

Mailing Name: Rockland County Sewer District #1
Street: No. 4 Route 340
City: Orangeburg State: NY Zip Code: 10962
Responsible Official or Agent: Ronald Delo, P.E., Exec. Dir. Phone: (914)365-6111

This permit and the authorization to discharge shall expire on midnight of the expiration date shown and the permittee shall not discharge after the expiration date unless this permit has been renewed, or extended pursuant to law.
To be authorized to discharge beyond the expiration date, the permittee shall apply for a permit renewal no less than 180 days prior to the expiration date shown above.

DISTRIBUTION:
E. Zicca/J. Marcogliese
R. Hannaford (3505)
Rockland Co. DOH
U.S. EPA (NYC & NJ)

Permit Administrator:	<u>ALEXANDER F. CIESLAK JR.</u>	
Address:	<u>21 S. Putt Corners Rd., New Paltz, NY 12561</u>	
Signature:	<u>Alexander F. Cieslak Jr.</u>	Date: <u>1/1/99</u>

2b (1)(B)

SPDES No.: NY 0031895

Part 1, Page 2 of 12

Modification: 1/11/99

FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning January 11, 1999 and lasting until December 1, 2003 the discharges from the permitted facility shall be limited and monitored by the permittee as specified below:

LIMITATIONS APPLY: All Year Seasonal from _____ to _____

Outfall Number 001 or 001A

EFFLUENT LIMITATIONS

<input checked="" type="checkbox"/> Flow	12-month rolling avg.	<u>28.9</u>	<input checked="" type="checkbox"/> MGD	<input type="checkbox"/> GPD ⁽⁴⁾
<input checked="" type="checkbox"/> CBOD, 5 - Day	30 day arithmetic mean	<u>25</u>	mg/l and	lbs/day ⁽¹⁾⁽⁵⁾
<input checked="" type="checkbox"/> CBOD, 5 - Day	7 day arithmetic mean	<u>40</u>	mg/l and	lbs/day (5)
<input type="checkbox"/> UOD ⁽²⁾			mg/l and	lbs/day
<input checked="" type="checkbox"/> Solids, Suspended	30 day arithmetic mean	<u>30</u>	mg/l and	lbs/day ⁽¹⁾⁽⁵⁾
<input checked="" type="checkbox"/> Solids, Suspended	7 day arithmetic mean	<u>45</u>	mg/l and	lbs/day (5)
<input checked="" type="checkbox"/> Effluent disinfection required: <input type="checkbox"/> All Year <input checked="" type="checkbox"/> Seasonal from <u>5/15</u> to <u>10/15</u>				
	30 day geometric mean shall not exceed 200/100 ml			
	7 day geometric mean shall not exceed 400/100 ml			
	Daily Maximum		1.0	mg/l
	Range		6.0 to 9.0	SU
	Daily Maximum		0.3	ml/l
			mg/l as NH ₃	
<input checked="" type="checkbox"/> pH			50	mg/l
<input checked="" type="checkbox"/> Solids, Settleable			50	mg/l
<input type="checkbox"/>			800/100	ml
<input checked="" type="checkbox"/> BOD, 5-Day	6 consecutive hr avg		2400/100	ml
<input checked="" type="checkbox"/> Solids, Susp. (TSS)	6 consecutive hr avg		0.5	mg/l
<input checked="" type="checkbox"/> Coliform, Fecal	6 hr geometric mean		36.1	MGD ⁽⁴⁾
<input type="checkbox"/> Coliform, Fecal	Individual Sample			
<input checked="" type="checkbox"/> Chlorine, Total Res.	Daily Min in Contact Tank			
<input checked="" type="checkbox"/> Flow	30 Day Arithmetic Mean			
	(125% of 12 Month Rolling Average)			

MONITORING REQUIREMENTS

Parameter	Frequency	Sample Type	Sample Location Influent	Sample Location Effluent
<input checked="" type="checkbox"/> Flow, <input checked="" type="checkbox"/> MGD <input type="checkbox"/> GPD	Continuous	Recorder	X	
<input checked="" type="checkbox"/> CBOD, 5 - Day, mg/l	1/day	24-hr Comp.	X	X
<input checked="" type="checkbox"/> Solids, Suspended, mg/l	1/day	24-hr Comp.	X	X
<input checked="" type="checkbox"/> Coliform, Fecal, No./100 ml ⁽³⁾	1/day	Grab		X
<input checked="" type="checkbox"/> Nitrogen, TKN (as N), mg/l	1/month	24-hr Comp.	X	X
<input checked="" type="checkbox"/> Ammonia (as NH ₃), mg/l	1/month	24-hr Comp.	X	X
<input checked="" type="checkbox"/> pH, SU (standard units)	6/day	Grab	X	X
<input checked="" type="checkbox"/> Solids, Settleable, ml/l	6/day	Grab	X	X
<input checked="" type="checkbox"/> Chlorine, Total Residual, mg/l ⁽³⁾	6/day	Grab		X
<input checked="" type="checkbox"/> Phosphorus, Total (as P), mg/l	1/month	24-hr Comp.	X	X
<input checked="" type="checkbox"/> Temperature, Deg.F	6/day	Grab	X	X
<input checked="" type="checkbox"/> Orthophosphate (as P), mg/l	1/month	24-hr Comp.	X	X
<input checked="" type="checkbox"/> Nitrate (as N), mg/l	1/month	24-hr Comp.	X	X
<input checked="" type="checkbox"/> Nitrite (as N), mg/l	1/month	24-hr Comp.	X	X

NOTES: ⁽¹⁾ and effluent value shall not exceed 35 % and 35 % of influent values for BOD₅ & TSS respectively.

⁽²⁾ Ultimate Oxygen Demand shall be computed as follows:

$$UOD = 1 1/2 \times CBOD_5 + 4 1/2 \times TKN \text{ (Total Kjeldahl Nitrogen)}$$

⁽³⁾ Monitoring of these parameters is only required during the period when disinfection is required.

Monitoring of chlorine contact tank and final effluent is required.

⁽⁴⁾ See Schedule of Compliance, Page 2(a).

⁽⁵⁾ See Page 2(b) for Mass Loadings

After notice and opportunity for a hearing, the Department may modify, suspend or revoke this permit in whole or in part during its term for cause including, but not limited to, the following:

- (1) violation of any provision of this permit; or
- (2) obtaining this permit by misrepresentation or failure to disclose fully all relevant facts at any time; or materially false or inaccurate statements or information in the application or the permit; or
- (3) a change in any physical circumstances, requirements or criteria applicable to discharges, including, but not limited to:
 - (i) standards for construction or operation of the discharging facility;
 - (ii) the characteristics of the waters into which such discharge is made;
 - (iii) the water quality criteria applicable to such is made;
 - (iv) the classification of such waters; or
 - (v) effluent limitations or other requirements applicable pursuant to the Act or State Law.
- (4) a determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification, a suspension, or revocation.
- (5) violation of any order of the Commissioner or provision of ECL or regulation promulgated thereunder, which is related to the permitted activity.
- (6) Newly discovered material information or material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of this permit.

c. If any applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under section 307(a) of the Clean Water Act for a toxic pollutant and that a standard or prohibition is more stringent than any limitation on the pollutant in the permit, the Department shall institute proceedings to modify the permit in order to achieve conformance with the toxic effluent standard or prohibition and in conformance with ECL 17-0809.

5. REPORTING NONCOMPLIANCE

- a. Anticipated noncompliance. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- b. Twenty-four hour reporting. The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written noncompliance report shall also be provided within five (5) days of the time the permittee becomes aware of the circumstances. The written noncompliance report shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent the noncompliance and its reoccurrence.
 - (1) The following shall be included as information which must be reported within 24 hours under paragraph (b) above:
 - (i) any unanticipated bypass which violates any effluent limitation in the permit;
 - (ii) any upset which violates any effluent limitation in the permit;
 - (iii) violation of a maximum daily discharge limitation for any of the pollutants listed by the Department in the permit to be reported within 24 hours.
 - (iv) any unusual situation, caused by a deviation from normal operation or experience (e.g. upsets, bypasses, inoperative treatment process units, spills or illegal chemical discharges or releases to the collection system) which create a potentially hazardous condition.
 - (v) any dry weather overflow(s).
 - (2) The Department may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

X-----X

In the Matter of the Violation of
Article 17-0803 of the New York State Environmental
Conservation Law, by:

ORDER ON CONSENT
CASE NO. R3-20060201-18

Rockland County Sewer District #1,

Respondent.

(Rockland County)

X-----X

WHEREAS:

A. The New York State Department of Environmental Conservation ("DEC" or "Department") is responsible for the administration and enforcement of law and regulation pursuant to Article 17 of the New York State Environmental Conservation Law ("ECL").

B. Between January 2, 2003 and December 16, 2005, the Department documented violations by Rockland County Sewer District #1 (the "Respondent") at multiple Rockland County Sewer District #1 (the "District") sewer collection system sites, which are located at multiple Town and Street locations within the District. Specifically: Respondent violated ECL Section 17-0803, which makes it unlawful to discharge pollutants to the waters of the state from any outlet source in a manner other than as prescribed by SPDES permit, when Respondent's sewer collection system experienced multiple sanitary sewer overflow ("SSO") events discharging untreated raw sewage and stormwater to the waters of the State. These violations are set forth in Appendix A to this Order, which is hereby incorporated into this Order in its entirety and shall be fully enforceable as part of this Order.

C. Respondent affirmatively waives the right to a public hearing in this matter in the manner provided by 6 NYCRR Part 622, and consents to the entering and issuing of this Order, and agrees to be bound by the terms and conditions of this Order, including the attached Compliance Schedule.

NOW, having considered this matter and being duly advised, it is ORDERED that:

I. Respondent shall be liable to pay a civil penalty in the amount of \$20,000.00, of which \$10,000.00 is payable and must be submitted with this Order bearing the signature of Respondent; the remaining amount, \$10,000.00, is suspended provided Respondent strictly adheres to the terms and conditions of this Order, including the Compliance Schedule attached hereto.

II. This Order shall not become effective until it is signed by the Regional Director on behalf of the Commissioner.

III. This Order may be changed only by written order of the Commissioner or the Commissioner's designee.

IV. This Order shall be deemed binding on Respondent, any successors and assigns and all persons, firms and corporations acting under or for Respondent, including, but not limited to those who may carry on any or all of the operations now being conducted by Respondent, whether at the present location or at any other in this State.

V. Respondent shall indemnify and hold harmless the Department, the State of New York, and their representatives and employees for all claims, suits, actions, damages and costs of every name and description arising out of or resulting from the fulfillment or attempted fulfillment of this Order by Respondent and any successors (including successors in title) and assigns.

VI. Respondent shall not be in default of compliance with this Order to the extent that Respondent may be unable to comply with any provision of this Order because of the action of a national or local government body, other than Respondent, or court, an act of God, war, strike, riot or catastrophe or other act beyond the control of Respondent as to any of which the negligence or willful misconduct on the part of Respondent was not a proximate cause; provided, however, that Respondent shall use its best efforts to comply. Respondent shall provide notice to the Department within 48 hours upon obtaining knowledge of such event, followed by a written notice within 7 business days. In the written notice, Respondent shall request an appropriate modification to this Order. Relief under this clause shall not be available to Respondent, with regard to a particular event, if Respondent fails to provide notice of such event within the timeframe provided under this provision. The Respondent shall have the burden of proving entitlement to relief under this clause.

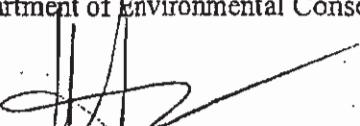
VII. Respondent shall comply with the terms of this Order and with the attached Schedule of Compliance, including terms and/or provisions, specifically addressing the violations listed in Appendix A, of any report(s), plan(s), or proposal(s) made pursuant to the requirements of this Order. The Schedule of Compliance and submissions made pursuant to this Order, which are subsequently approved by the Department, shall be fully enforceable as part of this Order.

IX. If, for any reason, Respondent desires that any provision of this Order be changed, Respondent shall make timely written application therefor to the Department setting forth reasonable grounds for the relief sought, together with any supporting documentation tending to establish such grounds. Such request shall be made as soon as reasonably possible after Respondent learns of the grounds for such relief. Where, as may be determined by the Department, a request for modification is made in a timely fashion and is properly supported and justified in light of all the circumstances, including Respondent's compliance history and the potential environmental consequences of such modification, the Department agrees that such relief will not be unreasonably denied. The granting of a requested modification may be conditioned upon Respondent's acceptance of additional terms, such as payment of penalties and /or suspension, modification or curtailment of operation.

Dated: New Paltz, New York

May 10 2006

DENISE M. SHEEHAN Commissioner
New York State
Department of Environmental Conservation

By: 
MARC MORAN
Regional Director
Region 3

This Order on Consent has been reviewed and
approved by the Regional Attorney as to form.

By: 
VINCENT ALTIERI
Regional Attorney

Date: 5/10 2006

Rockland County Sewer District #1
CASE NO. R3-20060201-18

COMPLIANCE SCHEDULE

I. GENERAL REQUIREMENTS:

- **Immediately:** Respondent(s) shall certify completion of the work required under this schedule, to the Department within five (5) days of its completion.

All technical submittals to the Department required under this Order shall be made by Respondent(s) as follows:

Two copies to Manju Cherian, Region Three, New York State Department of Environmental Conservation, 100 Hillside Avenue - Suite 1W, White Plains, NY 10603-2860

II. SPECIFIC REQUIREMENTS:

- A. **Immediately**, Respondent shall continue to report to the Department any SSOs within Rockland County Sewer District #1 (the "District"), as required by SPDES permit.
- B. **By December 29, 2006**, Respondent shall submit to the Department, for approval, a Dry Weather SSO Abatement Report including the following information:
 1. A description of the SSO abatement program for the Dry Weather SSO Events at the locations listed in Appendix A.
 2. A description of the current Operation and Maintenance Program for the collection system with recommended improvements to help abate Dry Weather SSOs.
- C. **By July 2, 2007**, Respondent shall submit to the Department, for approval, an Engineering Report. Specifically, the Engineering Report shall include:

For All Wet Weather SSO Events, as described in Appendix A

1. An evaluation of flow data for the collection system including current collection system capacities, interceptors and pumping stations.
2. A description of the SSO abatement program for the locations listed in Appendix A.

3. Proposed design information for the SSO abatement program (i.e. pump station upgrade, new upgraded sewers and/or Infiltration and Inflow reduction technologies) including the basis of design.
4. A final design and implementation schedule with specific tasks, durations and milestone dates. The implementation schedule shall contain milestone dates for submission of approvable plans and specifications, NTPC (Notice to Proceed to Construction) and Construction Completion for each project within the SSO abatement program.

For All Dry Weather SSO Events, as described in Appendix A

1. Detailed design information for the Dry Weather SSO abatement program, if necessary, based on the approved Dry Weather SSO Abatement Report.
2. A final construction and implementation schedule for the Dry Weather SSO abatement program, if necessary, as described in # 4 above.

The Engineering Report, including the schedules for the SSO abatement program, once approved by the Department, shall be incorporated into this Order and will be an enforceable part of this Order.

CONSENT BY RESPONDENT

Respondent hereby consents to the issuance and entry to this Order without further notice, waives its right to a hearing in this matter, and agrees to be bound by the terms, conditions and provisions of this Order.

Rockland County Sewer District #1

By: Julius Graifman
Name: Julius Graifman

Title: Chairman of the Rockland County Sewer District No. 1 Board of Sewer Commissioners

STATE OF NEW YORK)

) ss:
COUNTY OF Pocklanch

On the 9th day of May, 2006 before me, the undersigned, personally appeared Julius Graifman, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies) as shown in the instrument, and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Sheldon Dworkin

NOTARY PUBLIC

SHELDON R. DWORKIN
Notary Public, State of New York
No. 4923639
Qualified in Rockland County
Commission Expires March 14, 192010

APPENDIX A

2003
WET WEATHER SSO EVENTS

DATE	AREA	CIRCUMSTANCE
1/2/03	SSO at Man Hole ("MH") 16003, Jeffrey Ct. and 14006, Strawtown Road (8,500 gallons)	Heavy rain, snowmelt and frozen soil conditions
6/22/03	SSO at MH 14008, Strawtown Road (100 gallons)	Excessive rain during June, a localized strong storm and saturated soil conditions
12/12/03	SSO at MH 14008, Strawtown Rd. SSO at MH 1074,6038A, Lawrence St. SSO at MH 10019, S. Monsey Rd. Total overflow amount: 10,000 gallons	Excessive rain, frozen ground and snowmelt
12/24/03	SSO at MH 14008, Strawtown Rd. SSO at MH 1074,6038A, Lawrence St. SSO at MH 10019, S. Monsey Rd. SSO at MH 16002, 16003, 16065, Jeffrey Ct. SSO at MH 25471, West St. Total overflow amount: 30,000 gallons	Excessive rain, frozen ground and snowmelt

2003
DRY WEATHER SSO EVENTS

DATE	AREA	CIRCUMSTANCE
2/23/03	SSO at MH 15131, Shady Brook Lane (2,000-3,000 gallons)	Failure of North Pump Station due to roof leak due to high snow levels coupled with a prolonged period of rain shorted out the Pump Sequence Control Panel
4/23/03	SSO, Lime Kiln Road (200 gallons)	Pump station pump controller losing set points due to a power dip/voltage spike in normal line power at Lime Kiln Pump Station
5/15/03	SSO, Cottage Lane (200 gallons)	Pump station pumps left in "off" after cleaning of the pump control level-sensing probe and inadvertently not returned to automatic operation. Also, failure of the dial-up telemetry system to report high level alarm at Route 202 Pump Station
6/9/03	SSO at MH 10178, Hillside Ave. (<1,000 gallons)	Odor control dish which had fallen from the casting caused a blockage
8/14/03	SSO at MH 10172, Saddle River Pump Station (400 gallons)	Power outage – running on emergency generators. Overflow due to delay in pumping cycle when power switched back to utility power
9/11/03	SSO at MH 27262, Ewing Road, (700 gallons)	Blockage
10/10/03	SSO, Jackson Ave. (100 gallons)	Blockage
12/28/03	SSO at MH 1751, Bethune Blvd. (1,000 gallons)	Blockage – excessive grease

2004
WET WEATHER SSO EVENTS

DATE	AREA	CIRCUMSTANCE
7/23/04	SSO at MH 16004, 16006, Jeffrey Ct. & Old Mill Rd. SSO at MH 14005, 14002, Strawtown Rd. (21,000 gallons)	Extremely heavy, localized rain
9/8/04	SSO at MH 16004, 16006, Jeffrey Court SSO at MH 14005, Strawtown Rd. Total Overflow Amount: 21,000 gallons SSO at MH 22119, Shadybrook Lane (8,000 gallons) SSO at MH 6222, Pascack Rd., (3,000 gallons)	Extremely heavy rain
9/18/04	SSO at MH 16004, 16006, Jeffrey Ct., SSO at MH 14005, Strawtown Rd. Total Overflow Amount: 19,000 gallons SSO at MH 22005, 22119, Old Rte. 304 & Shadybrook Ln (6,000 gallons) SSO at MH 6222, 6037A, Pascack Rd. (2,400 gallons) SSO at MH 10019, S. Monsey Rd. (4,000 gallons) SSO at MH 1779, parking lot of Wide World of Cars/BMW dealership, E.Rte. 59, (5,000 gallons)	Extremely heavy rain
9/29/04	SSO at MH 16004, 16006, Jeffrey Ct. SSO at MH 14005, 14007, 14008, Strawtown Rd. Total overflow amount: 25,000 gallons	Extremely heavy rain
11/28/04	SSO at MH 16003, 16004, 16065, Jeffrey Ct. SSO at MH 14008, Strawtown Rd. Total Overflow Amount: 5,000 gallons	Extremely heavy rain

2004
DRY WEATHER SSO EVENTS

DATE	AREA	CIRCUMSTANCE
1/8/04	SSO, Cottage Lane (400 gallons)	Pump #1 failed - Pump #2 out for repairs – temporary pump installed at Route 202 Pump Station
1/24/04	SSO, Tallman Pump Station (1,000 gallons)	High wet well level. Pumps failed on over-current due to loss of normal power. Emergency generator voltage was below acceptable levels at Tallman Pump Station
5/5/04	SSO at MH 1791, Harvey Place (50 gallons)	Partial blockage – grease
7/25/04	SSO at MH 19285, Rose Ave. (<200 gallons)	Blockage – excessive grease
7/30/04	SSO at MH near Wilder Road Pump Station (500 gallons)	Level control system failure and telemetry system was not working at Wilder Rd. Pump Station
8/4/04	SSO, Wilder Road Pump Station (<200 gallons)	High wet well level – level control system failure
9/8/04	SSO at MH 31011, Tara Drive (200 gallons)	Blockage – excessive penetration of roots into the pipe and manhole
10/3/04	SSO at MH 12036, behind Cherry Lane, (50,000 gallons)	Blockage – tree branches pushed through MH cover vent holes at a day camp
11/21/04	SSO at MH 31011, Tata Drive (750 gallons)	Blockage – excessive grease with small stone and sand
12/1/04	SSO at MH 1791, Harvey Pl. (200 gallons)	Partial blockage - grease

2005
WET WEATHER SSO EVENTS

DATE	AREA	CIRCUMSTANCE
4/2/05	SSO at MH 16002, 16003, 16004, 16006, Jeffrey Ct. and MH 16007, Old Mill Rd. SSO at MH 14005, 14008, Strawtown Rd. SSO at MH 15117, Strawtown Rd. Total overflow amount: 19,000 gallons SSO at MH 22005, 22119, Old Rt. 304 & Shadybrook Ln.(15,000 gallons) SSO at MH 2027, King Terrace and MH 2368, Valley View Road (1,000 gallons)	Heavy rain
4/3/05	SSO at MH 10019, S. Monsey Rd. (4,500 gallons)	Heavy rain
4/4/05	SSO at MH 10172, 10174, 10434, Saddle River Rd. (8,500 gallons) SSO at MH 1073, 1072, 1071 Ramapo Interceptor (10,000 gallons) SSO at MH 25019, Lower main on Rt. 304 (1,000 gallons)	
10/8/05 to 10/9/05	SSO at MH 14005, 14006, 14007, 14008, Strawtown Rd., SSO at MH 16007, Old Mill Rd. Total overflow amount: 12,000 gallons SSO at MH 10019, S. Monsey Rd. (4,000 gallons)	Extremely heavy rain
10/12/05 to 10/13/05	SSO at MH 14006, 14007, Strawtown Rd. (4,000 gallons) SSO at MH 16007, Old Mill Rd., (400 gallons)	Extremely heavy rain
12/16/05	SSO at MH 16004, 16006, Jeffrey Ct., (100 – 300 gallons) SSO at MH 14005, 14007, Strawtown Rd. (5,000 gallons) SSO at MH 10019, S. Monsey Rd., (200 gallons) SSO at MH 1071 on Ramapo Interceptor (2,400 gallons) SSO at MH 1779 in parking lot for Wide World of Cars/BMW dealership, E. Rt. 59 (25,000 gallons)	Frozen ground, heavy localized rain and snowmelt

2005
DRY WEATHER SSO EVENTS

DATE	AREA	CIRCUMSTANCE
3/16/05	Sludge overflow, Rockland County Sewer District No. 1 Wastewater Treatment Plant ("WWTP") (2,300 gallons)	
3/31/05	Sludge overflow, Rockland County Sewer District No. 1 WWTP, (4,500 gallons)	Sludge spill
4/10/05	SSO at MH 2299, Francis Pl., (10,000 gallons)	Sand and stone in line from recent upstream construction
4/14/05	Wet well overflow, Tallman Pump Station	VFD fault and broken vent line
4/18/05	SSO at MH 2045, Francis Pl., (3,000 gallons)	Blockage – large piece of wood from recent upstream construction
9/6/05	SSO at Requa Ln. (500 gallons)	Excessive grease
11/30/05	SSO at Saddle River Pump Station (10,000 gallons)	Failure of the uninterruptible power supply resulting in loss of power to pump control panel

Rockland County Sewer District #1 SSO events
January 1, 2007 - March 31, 2007

Date	Location	Volume (gallons - estimated)	Comments
02/05/07	Charles Lane, Spring Valley MH 2514B	1,800	grease blockage
03/02/07	Strawtown Rd. MH 14008	34,500	2 - 2 3/4 inch rain event in 12 hour period plus snow and ice
03/02/07	Old Mill Rd. MH 16007	20,000	same as above
03/02/07	Jeffrey Court MH's 16002, 16003, 16004	50	same as above
03/02/07	Ramapo interceptor MH 1071	22,000	same as above
03/02/07	Wide World of Cars/BMW dealership parking lot 125 East Main Street MH 1777, 1777A	20,000	same as above
03/02/07	near Saddle River P.S. MH 10171, 10172	14,000	same as above
03/02/07	Shady Brook Lane MH 15131	17,000	same as above
03/02/07	Lower Main Interceptor 530 Route 303 MH 25019	10,000	same as above plus sediment in pipe
03/02/07	King Terrace, Spring Valley MH 2026, 2027	4,000	2 - 2 3/4 inch rain event in 12 hour period plus snow and ice
03/02/07	Dana Court, W. Nyack MH 14003	4,000	same as above
03/02/07	Fringe Court, New City MH 15029	4,000	same as above
03/02/07	RCSD#1 STP secondary clarifiers flooded plant drain MH at plant overflowed	3,000	same as above
03/21/07	32 Michigan Court, Valley Cottage MH 2514B	1,500	grease blockage
	Total events = 19	Total volume = 157,350 gallons	

ROCKLAND COUNTY SD#1 SSO EVENTS
 April 1, 2007 to April 19, 2007

DATE(S)	LOCATION OF EVENT	VOLUME (Gallons – Estimated)	COMMENTS
4/5/07	11 Sherwood Ave. & Harvey Pl., Spring Valley- MH #1791	45	Grease blockage
4/15/07	Strawtown Rd. MH 14004, 14005 & 14007, 14008	400,000	Heavy rainfall from 6" – 7" with periods of high intensity (April NorEaster event); may areas already saturated from previous rain event
4/15/07	MH 16007 on Old Mill Rd.	285,000	Same as above
4/15/07	MH 16002, 16003 & 16004 by Jeffrey Court. MH 25075 West St., West Nyack	150	Same as above
4/15/07	MH 14003 on Dana Court MH 18001 on West Nyack Rd. MH 25074 on Philips Lane, West Nyack	200,000	Same as above
4/15/07	MH1071 Ramapo Interceptor East of North Pascack Road Spring Valley	190,000	Same as above
4/15/07	MH 2026, 2027, 2368C & 2367 on King Terrace, Valley View Terrace & Aselin Dr.	270,000	Same as above
4/15/07	MH 1777 & 1777A Wide World of Cars/BMW dealership 125 East Main St., Spring Valley	385,000	Same as above
4/15/07	MH 10180, Hillside Ave., Airmont	12,000	Same as above
4/15/07	MH 22227, Shady Brook Lane and MH 15135 on Old Route 304, New City.	190,000	Same as above
4/15/07	MH 15029 Strawtown Rd., New City	175,000	Same as above
4/15/07	MH 24001, 24002 New Hempstead Rd.	24,000	Same as above
4/15/07	MH 25019 530 Rte. 303, Orangeburg	215,000	Same as above
4/16/07	MH 10172 & 10174 Saddle River Pump Station	390,000	Design capacity of pump station exceeded due to NorEaster
4/16/07	MH 10019 on South Monsey Rd.	100,000	NorEaster
	Total events = 30	Total vol. = 2,836,196 gal	



COUNTY OF ROCKLAND

SEWER DISTRICT NO. 1

4 Route 340
Orangeburg, New York 10962
(845) 365-6111
Fax. (845) 365-6686

C. SCOTT VANDERHOEF
County Executive

JULIUS GRAIFMAN
Chairman
CHRISTOPHER ST. LAWRENCE
Vice Chairman
DIANNE T. PHILIPPS, P.E.
Executive Director

To: D. T. Philipps, PE
From: E. T. Yetter, Jr., PE
Date: November 21, 2007
Re: Sewage Spill – November 18, 2007
Willow Tree Road Interceptor – Wesley Hills

At approximately 7:40 a.m., a homeowner at 408 Rte 306 contacted the District regarding an overflowing manhole (MH) behind his home. Responding crews confirmed an overflow from MH 20117. The overflow was from a MH equipped with a non-vented, locking cover; as such, the quantity during the discharge was far less than would have been expected with no solids discharged. This MH is in an easement, and was very difficult to access. Hay bails were placed to collect solids from the overflow plume while flush crews attempted to clear the partial blockage. District crews cleared the blockage at approximately 3:00 p.m. An estimated 4,500 gallons of sewage was released during this event.

Follow-up to this event identified that the cause of the blockage was excessive rocks and debris in the piping. As this may be evidence of other serious conditions, the line was televised on 19 November. Unfortunately, the flow was too high to facilitate effective television work. Further, the area of the blockage (between MH's 20115 & 20116) is in an overgrown section of the easement, and truck access is currently not an option. Investigation is continuing as of this writing.

Areas affected by the overflow were cleaned, solids were collected, and a small amount of lime was applied. Most of the overflow entered a nearby stream, which apparently drains to a tributary of the Mahwah River.

The following notifications were made:
RCDOH
United Water
NYSDEC – spill # 0709001
NYSDEC – Regional Sub-office

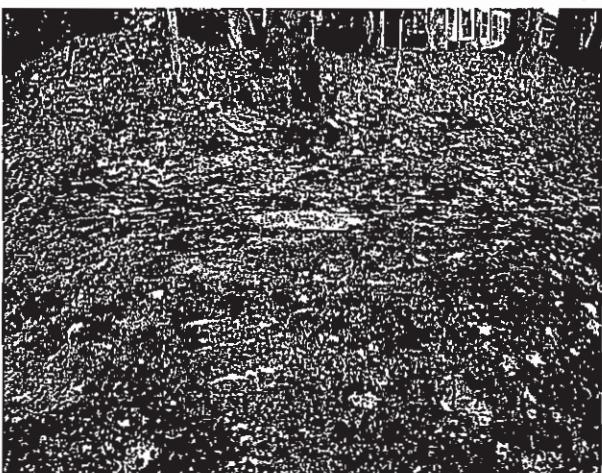
CC: M. Saber, PE
G. Gonos

File: Spills
Reader

**Rockland County S.D. #1 SSO CEI Pictures
(12/4/07)**

A. Work related to Manhole #10,019 involving the diverting of one of two force mains into the manhole





B. Raised Manhole #12,284

